

# **EXHIBIT 2**

UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF CALIFORNIA

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JUSTIN CODY HARPER,

CASE NO.:

5:23-cv-00695 SSS (DTBx)

Plaintiff,

vs.

CITY OF RELANDS, REDLANDS

POLICE DEPARTMENT, POLICE

OFFICER KOAHOU, and DOES 1

through 10, Inclusive,

Defendants.

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VIDEOTAPED DEPOSITION OF JUSTIN CODY HARPER

VACAVILLE, CALIFORNIA

OCTOBER 23, 2024

REPORTED BY: CARI L. GONZAGA, CSR NO. 12401

FILE NO.: 6932631

Page 1

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Deposition of JUSTIN CODY HARPER, taken on  
behalf of the Defendants, at California State Prison  
Solano, 2100 Peabody Road, Vacaville, California 95687,  
commencing at 10:41 a.m., Wednesday, October 23, 2024,  
before Cari L. Gonzaga, CSR No. 12401.

1 Q Did you recognize the truck?

2 A No, not at all. I recognized the guy in the  
3 driveway though when he was trying to grab me out,  
4 uh-huh.

5 Q Okay. So you got the guy from the garage on  
6 the passenger side; the hit-and-run guy was on the  
7 driver's side; is that right?

8 A Yes.

9 Q And you knew they wanted you out of the car;  
10 is that correct?

11 A Yes.

12 Q Did the hit-and-run guy ever make physical  
13 contact with you?

14 A Yes.

15 Q And when did that happen?

16 A When he was trying to yank me out of the car.

17 Q Was that after you had accidentally unlocked  
18 the doors?

19 A Yes.

20 Q Did he punch you?

21 A I don't remember. I just remember them  
22 yanking on me. I felt like I was getting choked and  
23 tried to pull out from both sides, so I don't really  
24 know.

25 Q So the garage guy also opened the door?

1 A Yes.

2 Q Did the garage guy get into the passenger's  
3 seat?

4 A I don't think so. I think he was just trying  
5 to pull me out from that side.

6 Q So not counting the officer, there were two  
7 guys that were trying to get you out of the Honda; is  
8 that correct?

9 A Yes. The officer showed up after.

10 Q When the doors got unlocked, were you already  
11 out of the driveway?

12 A Yes.

13 Q And were you already in drive?

14 A When I was in the driveway or when I was in  
15 the street?

16 Q Yeah, when you got -- so you pulled out of the  
17 driveway, and then the doors get unlocked after you were  
18 out of the driveway, right?

19 A No, I was in the street. It wouldn't go  
20 anywhere.

21 Q Is that because you couldn't get it in gear?

22 A I don't know, I was pushing buttons. It  
23 wouldn't go in gear. It wouldn't go. I think it was in  
24 gear. It just wasn't going, maybe a key fob or I  
25 couldn't tell you.

1 Q So, at any point, were you able to make the  
2 vehicle go forward after pulling out of the driveway?

3 A No.

4 Q So did the vehicle stay in reverse the entire  
5 time?

6 A I don't think it did. I tried to put it in  
7 drive, and it wouldn't go.

8 MS. TERRELL: Counsel, just vague as to time.  
9 I know you're chronologically doing it, as I understand  
10 it, so you're talking about when those two individuals  
11 are at the vehicle?

12 MS. ROCAWICH: Well, I'm talking about at any  
13 point now. He's saying he never got the vehicle to move  
14 forward.

15 THE WITNESS: I said I put it in drive and it  
16 wouldn't go. I think when he was trying to pull me out  
17 of the vehicle, he might have dropped the key fob. I  
18 don't know why it went. It was a new car. You never  
19 know.

20 BY MS. ROCAWICH:

21 Q So you got in the car in the driveway --

22 A Yes.

23 Q -- you pulled out of the driveway --

24 A And I tried to put it into drive and it  
25 wouldn't go forward.

1 the car?

2 A They're both yanking on me from both sides.

3 I'm getting choked. I don't even know what's going on.

4 Q Which of the two guys was choking you?

5 A The second vehicle, the truck.

6 Q Okay. While the guy was in the passenger's  
7 seat with you, was the Honda moving?

8 A No.

9 Q Do you know why that guy in the passenger's  
10 seat let go of you?

11 A The guy in the passenger's seat? The guy in  
12 the driver's seat that owned the truck had a hold of me.

13 Q The guy in the passenger's seat didn't have a  
14 hold of you?

15 A He was trying to grab me at the same time, but  
16 we were talking about the second guy in the truck  
17 choking me.

18 Q So the garage guy, at some point, let go of  
19 you; is that correct?

20 A Yes, and the cops showed up.

21 Q And then the hit-and-run guy also let go of  
22 you at some point; is that correct?

23 A On the cop's command, yes.

24 Q What did you hear the cop say?

25 A Telling everybody to get out of their vehicle.

1 never put me face down.

2 Q No, I'm saying as the officer is coming up to  
3 the Honda, he tells the guys to get out, they let go of  
4 you.

5 Did the officer tell you to get face down  
6 before shooting you?

7 A Get face down. I wasn't out of the car.  
8 You'd say, Get out of the car. You wouldn't say, Get  
9 face down.

10 Q Okay. Did the officer ever tell you he was  
11 going to shoot you if you didn't get out of the car?

12 A I think so.

13 Q Do you remember how many times?

14 A Maybe once or twice -- twice. He might have  
15 ordered them and me. I don't know. I remember him  
16 saying something like that, Get out, or he's going to  
17 shoot.

18 Q Prior to the shooting, you didn't get out of  
19 the car though; is that correct?

20 A No.

21 Q And that's because you were scared that you  
22 were going to get hurt if you got out of the car?

23 A Yes.

24 Q As the officer came up to the Honda, was the  
25 driver door open or closed?



1 Q At what point did you try to surrender?

2 A Once I thought they were going to shoot me, I  
3 didn't really know if they were or not.

4 Q Did you try and surrender before or after you  
5 were tased?

6 A Before.

7 Q And when you say you tried to surrender, what  
8 did you do?

9 A I told them I was ready to get out of the  
10 vehicle.

11 Q Did you let go of the steering wheel?

12 A Yes.

13 Q And where were your hands, at that point, when  
14 you let go of the steering wheel and said you're ready  
15 to give up and get out of the vehicle?

16 A I put them up.

17 Q So when you were tased, you were no longer  
18 holding onto the steering wheel, and your hands were up;  
19 is that accurate?

20 A Yes.

21 Q Do you know at the time you were tased,  
22 whether the Honda was in park or drive?

23 A When I pulled out in reverse, I put it in  
24 drive but it wasn't going.

25 Q Was the emergency brake on?

1 A No, I don't think so. It wasn't.

2 Q So was the car stopped when you were tased?

3 A Yes.

4 Q And where were those other two guys that had  
5 been fighting with you when you were tased?

6 A The cop ordered them to get out of the  
7 vehicle, and I'm pretty sure they were right by the  
8 sidewalk or on the sidewalk. I wasn't looking at them,  
9 so...

10 Q And, at some point, you hit the accelerator;  
11 is that correct?

12 A Yes.

13 Q And is that while you were still being tased  
14 or immediately after?

15 A It was immediately after being tased.

16 Q How long was the taser actually shocking you?

17 A I don't know.

18 Q Would you say less than five seconds?

19 A Maybe like five, ten seconds, five seconds  
20 because I took off as soon as they shot me with the  
21 taser gun.

22 Q Where did the dart, the taser dart hit you?

23 A I don't know.

24 Q Do you remember having them removed at the  
25 hospital?

1 A No.

2 Q Did you have any marks on any part of your  
3 body besides the obvious?

4 A Well, on this side of my body, my leg was  
5 broken, my fingers were shot, so I went through two  
6 surgeries. It took a while. I didn't wake up for a  
7 while.

8 Q Okay. So besides the gunshot wounds, did you  
9 have any kind of other wounds to your body?

10 A I don't know, Miss. I was in and out --

11 MS. TERRELL: No more questions.

12 Next question.

13 BY MS. ROCAWICH:

14 Q So you said you were tased, and then you hit  
15 the accelerator; is that correct?

16 A Yes.

17 Q And then you were shot after hitting the  
18 accelerator; is that correct?

19 A Yes.

20 Q Did the car move forward when you hit the  
21 accelerator?

22 A Yes.

23 Q And where was the cop when that happened?

24 A On the side of the vehicle.

25 Q Was he still touching you?

1 A When he shot me?

2 Q Yes, did he have one hand on you, or did he  
3 have both hands on his gun?

4 A Both hands were on the gun, but I know he --  
5 well, actually, they had to have both hands on their  
6 gun, so yeah.

7 Q Would you agree that a car can be used to  
8 injure someone?

9 A Yes.

10 Q And then if you get run over by a car, you  
11 could be seriously injured?

12 A Yes.

13 Q Or maybe even killed?

14 A Yes.

15 Q So immediately before you were shot, the  
16 officer was being, kind of, dragged along the car as you  
17 started driving; is that correct?

18 MS. TERRELL: Misstates the testimony about  
19 being dragged.

20 Go ahead.

21 THE WITNESS: About what?

22 BY MS. ROCAWICH:

23 Q Was the officer being dragged?

24 A No.

25 Q And you said you never layed hands on the

1 officer; is that correct?

2 A No.

3 Q And as you were accelerating after the  
4 shots -- strike that.

5 As you were accelerating but before the shots,  
6 did you see those two guys that had been fighting with  
7 you?

8 A No.

9 Q Did you see anybody directly in front of the  
10 car?

11 A No.

12 Q As you were accelerating, did you see anyone  
13 jump out of the way as you started moving forward?

14 A No.

15 Q After being shot, how far did you drive the  
16 car?

17 A I don't know, a good hundred yards, couple  
18 hundred yards, probably. Went down the road and crashed  
19 and drove a little bit more.

20 Q So you were on a cul-de-sac, we establish,  
21 right?

22 A Yes.

23 Q Did you hop that curb and then get back on San  
24 Bernardino?

25 A It crashed into the curb, yeah.

1 Q So even after you weren't still shocked, you  
2 were still pressing the accelerator; is that correct?

3 A No, it was driving slowly down the road, and  
4 then it stopped.

5 Q So you got tased and then you got shot and  
6 then you said the car was moving slowly towards San  
7 Bernardino?

8 A It went fast and hit the court and it crashed  
9 and it started rolling. It didn't accelerate anymore  
10 after that.

11 Q So when it was going fast, was that after you  
12 were shot?

13 A Yes.

14 Q And you weren't being shocked anymore by the  
15 taser; is that correct?

16 MS. TERRELL: Do you understand the question?

17 THE WITNESS: No.

18 BY MS. ROCAWICH:

19 Q So you were shocked by the taser which you  
20 said forced you to accelerate; is that true?

21 A Yes.

22 Q And then you continued to accelerate even  
23 after you were no longer being tased; is that correct?

24 A Yes. Do you know how many houses are on that  
25 bluff?

1 BY MS. ROCAWICH:

2 Q Were you trying to get away from the officer?

3 A Yeah and no.

4 Q Okay. Why yes and why no?

5 A Because when they tased me, there's only like  
6 a little bit of a block left, I don't even remember, and  
7 then it crashes, hit the curb, and the airbag goes off,  
8 boom, and then I'm just rolling down the street.

9 Q So the airbag went off when you hit the end of  
10 the cul-de-sac; is that correct?

11 A Yes.

12 Q Do you have any idea how fast you were going  
13 when you hit the curb?

14 A No, I do not.

15 Q And the car came to a stop on San Bernardino;  
16 is that correct?

17 A Yes.

18 Q Did you get out of the car on your own, or did  
19 an officer pull you out?

20 A I think I got out on my own.

21 Q Did you fight with the officers when you got  
22 out of the car?

23 A What do you mean like attacked them or?

24 Q Did you touch any officer when you got out of  
25 the car?

REPORTER'S CERTIFICATE

I, CARI L. GONZAGA, CSR No. 12401, Certified  
Shorthand Reporter, certify:

That the foregoing proceedings were taken  
before me at the time and place therein set forth, at  
which time the witness was put under oath by me;

That the testimony of the witness, the  
questions propounded, and all objections and statements  
made at the time of the examination were recorded  
stenographically by me and were thereafter transcribed;

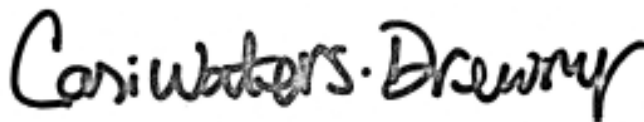
That the foregoing is a true and correct  
transcript of my shorthand notes so taken.

I further certify that I am not a relative or  
employee of any attorney of the parties, nor financially  
interested in the action.

I declare under penalty of perjury under the  
laws of California that the foregoing is true and  
correct.

Reading and signing was requested.

Dated this 27th day of November, 2024.



CARI L. GONZAGA, CSR NO. 12401